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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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12 CHRISTIAN NADAL,
13 Plaintiff,
14 v.
15 UNITED STATES,
16 Defendant.
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CV 21-7590-RSWL
CR 93-698-RSWL-1

**ORDER RE: MOTION FOR
RECONSIDERATION [8];
ORDER TO SHOW CAUSE RE:
PRE-FILING APPROVAL**

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19 Petitioner Christian Nadal ("Petitioner") brings
20 this Motion for Reconsideration ("Motion") [8]
21 requesting that the Court reconsider its previous Order
22 [7] denying Petitioner's Writ of Error Coram Nobis [1]
23 and issue a declaratory judgment regarding whether the
24 firearms at issue in his 1993 criminal case were, in
25 fact, illegal firearms under the law. Having reviewed
26 all papers submitted pertaining to the Motion for
27 Reconsideration, the Court **NOW FINDS AND RULES AS**
28

1 **FOLLOWS:** the Court **DENIES** the Motion for Reconsideration
2 and **ORDERS** Petitioner to show cause why he should not be
3 deemed a vexatious litigant.

4 I. BACKGROUND

5 A. Factual Background

6 This matter arises from an underlying criminal
7 action brought against Petitioner (then-defendant) in
8 1993. See generally Mot. for Reconsideration, ECF No.
9 8; Order re: Writ of Error Coram Nobis, ECF No. 7. The
10 allegations against Petitioner concerned the manufacture
11 and sale of illegal firearms and their parts. Order re:
12 Writ of Error Coram Nobis. Following a jury trial
13 before this Court, Petitioner was convicted of: (1)
14 conspiracy to manufacture, transfer, and possess
15 machineguns and silencers in violation of 18 U.S.C. §
16 371; (2) transferring and possessing machineguns in
17 violation of 18. U.S.C. § 992(o)(1); and (3)
18 transferring and possessing unregistered silencers in
19 violation of 26 U.S.C. § 5861(d)-(e). Id. This Court
20 sentenced Petitioner to 96 months of imprisonment to be
21 followed by three years of supervised release. Id.

22 B. Procedural Background

23 Petitioner appealed his convictions to the Ninth
24 Circuit, arguing that he had been entrapped into selling
25 illegal firearms to undercover Federal Bureau of
26 Investigation ("FBI") agents. United States v. Nadal,
27 64 F.3d 667 (9th Cir. 1995). The Ninth Circuit affirmed
28 his convictions, explaining that an acquittal based on

1 entrapment as a matter of law could not be justified.
2 Id. at 1. Petitioner then unsuccessfully sought
3 certiorari in the U.S. Supreme Court. Nadal v. United
4 States, 516 U.S. 1122 (1996).

5 On November 18, 1996, Petitioner filed a \$ 2255
6 motion [152] to vacate his sentence. On March 31, 1997,
7 this Court denied [162] Petitioner's \$ 2255 motion. The
8 Ninth Circuit affirmed the denial. United States v.
9 Nadal, 188 F.3d 516 (9th Cir. 1999). The U.S. Supreme
10 Court again denied certiorari. Nadal v. United States,
11 531 U.S. 916 (2000).

12 On September 21, 2021, Petitioner filed a Writ of
13 Error Coram Nobis, styled as a Writ of Habeas Corpus
14 [1], before this Court. The Court denied [7] the Writ
15 of Error Coram Nobis on December 15, 2021. On January
16 7, 2022, Petitioner filed a Motion for Reconsideration
17 [8] seeking a declaration from this Court as to whether
18 the firearms at issue in his 1993 criminal case were, in
19 fact, illegal firearms under the law.

20 II. DISCUSSION

21 A. Discussion

22 1. Motion for Reconsideration

23 The governing standards for a motion for
24 reconsideration are set forth in Federal Rule of Civil
25 Procedure ("Rule") 59(e) and Local Rule 7-18. See State
26 Comp. Ins. Fund v. Drobot, 192 F. Supp. 3d 1080, 1116
27 (C.D. Cal. 2016). Local Rule 7-18 provides that:
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1 A motion for reconsideration of an Order on any
2 motion or application may be made only on the
3 grounds of (a) a material difference in fact or law
4 from that presented to the Court that, in the
5 exercise of reasonable diligence, could not have
6 been known to the party moving for reconsideration
7 at the time the Order was entered, or (b) the
8 emergence of new material facts or a change of law
9 occurring after the Order was entered, or (c) a
10 manifest showing of a failure to consider material
11 facts presented to the Court before the Order was
12 entered.

13 C.D. Cal. R. 7-18.

14 Local Rule 7-18 further states that "[n]o motion
15 for reconsideration may in any manner repeat any oral or
16 written argument made in support of, or in opposition
17 to, the original motion" and that "any motion for
18 reconsideration must be filed no later than 14 days
19 after entry of the Order that is the subject of the
20 motion or application." Id.

21 Here, Petitioner's Motion was filed more than 14
22 days after entry of the Court's Order denying
23 Petitioner's Writ of Error Coram Nobis. Dismissal is
24 warranted on this basis alone. Additionally,
25 Petitioner's Motion is largely identical to his Writ of
26 Error Coram Nobis. Compare Mot. for Reconsideration,
27 with Writ of Error Coram Nobis. Petitioner's
28 duplicative and repetitive Motion thus fails to meet the
requirements under Local Rule 7-18 for a proper motion
for reconsideration. To be clear, Petitioner does not
state that a material difference in fact or law has

1 occurred or otherwise demonstrate why the Court should
2 revisit its Order denying Petitioner's Writ of Error
3 Coram Nobis. See generally Mot. for Reconsideration.
4 Rather, it appears that Petitioner has merely deleted a
5 few sentences from his Writ of Error Coram Nobis and re-
6 filed the same as a Motion for Reconsideration.
7 Accordingly, the Court **DENIES** the Motion for
8 Reconsideration.

9 **2. Order to Show Cause**

10 "District courts have the inherent power to file
11 restrictive pre-filing orders against vexatious
12 litigants with abusive and lengthy histories of
13 litigation." Weissman v. Quail Lodge, Inc., 179 F.3d
14 1194, 1197 (9th Cir. 1999) (citing De Long v. Hennessey,
15 912 F.2d 1144, 1147-48 (9th Cir. 1990)). "Such pre-
16 filing orders may enjoin the litigant from filing
17 further actions or papers unless he or she first meets
18 certain requirements, such as obtaining leave of the
19 court or filing declarations that support the merits of
20 the case." Id. The Ninth Circuit has recognized that
21 "such pre-filing orders should rarely be filed." De
22 Long, 912 F2d at 1147. However, "[f]lagrant abuse of
23 the judicial process cannot be tolerated because it
24 enables one person to preempt the use of judicial time
25 that properly could be used to consider the meritorious
26 claims of other litigants." Id. at 1148.

27 Given that Petitioner has raised, in several
28 successive habeas petitions, arguments that have been

1 rejected by this Court and others, Petitioner is ordered
2 to show cause why he should not be required to obtain
3 pre-filing approval before filing any future action that
4 challenges any aspect of the underlying criminal
5 proceedings. See L.R. 83-8. Petitioner shall file a
6 written submission on or before February 14, 2022,
7 explaining why he should not be deemed a vexatious
8 litigant. Upon receiving any response, the matter will
9 be taken under submission. Petitioner's failure to file
10 a timely response will be deemed consent to an order
11 finding that he is a vexatious litigant.

12 **III. CONCLUSION**

13 For the foregoing reasons, the Motion for
14 Reconsideration is **DENIED**. As noted, on or before
15 February 14, 2022, Petitioner shall file a written
16 submission demonstrating why he should not be required
17 to obtain pre-filing approval before filing any future
18 action that challenges any aspect of the underlying
19 criminal proceedings.

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21 **IT IS SO ORDERED.**

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23 DATED: January 14, 2021

/s/ Ronald S.W. Lew

24 **HONORABLE RONALD S.W. LEW**
25 Senior U.S. District Judge
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